

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion to Assess and Revise
the New Regulatory Framework for Pacific Bell
and Verizon California Incorporated.

Rulemaking 01-09-001
(Filed September 6, 2001)

Order Instituting Investigation on the
Commission's Own Motion to Assess and Revise
the New Regulatory Framework for Pacific Bell
and Verizon California Incorporated.

Investigation 01-09-002
(Filed September 6, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING DENYING THE REQUEST BY
VERIZON CALIFORNIA INCORPORATED (VERIZON) FOR ADMINISTRATIVE
NOTICE OF THREE COMMISSION RESOLUTIONS PURSUANT TO RULE 72**

On January 22, 2002, Verizon submitted a request for "official
administrative notice" of Resolutions T-16599, T-16480, and T-16376 pursuant to
Rule 72. There was no response to Verizon's request.

Verizon states that the Resolutions authorize Verizon to seek recovery in
its annual price cap filing the costs that Verizon incurs in connection with the
financial audit that is the subject of Phase 1 of this proceeding.¹ Verizon states
that its request to seek "administrative notice" of the Resolutions was prompted

¹ Verizon is explicitly authorized by Resolutions T-16599, T-16480, and T-16376 to seek recovery
of its audit-related costs in its annual price-cap filing. (T-16599, *mimeo*, p. 5 and Ordering
Paragraph (OP) 2; T-16480, *mimeo*, p. 5 and OP 2; T-16376, *mimeo*, p. 8 and Finding of Fact 8.)

by a ruling issued by the assigned Commissioner on December 27, 2001, which authorizes Verizon to present testimony in Phase 1 regarding the recovery of its audit-related costs.² Verizon states that it intends to seek recovery of its audit-related costs in its 2003 price-cap filing, not this proceeding.

Rule 72 states as follows:

If any matter contained in a document on file as a public record with the Commission is offered in evidence, unless directed otherwise by the presiding officer, such document need not be produced as an exhibit, but may be received in evidence by reference, provided that the particular portions of such document are specifically identified and are competent, relevant and material. If testimony in proceedings other than the one being heard is offered in evidence, a copy thereof shall be presented as an exhibit, unless otherwise ordered by the presiding officer.

Verizon has not demonstrated that the three Resolutions constitute evidence that is material or relevant to any factual issue in this proceeding. Accordingly, Verizon's request for "administrative notice" of the Resolutions pursuant to Rule 72 is denied.

Therefore, **IT IS RULED** that:

1. Verizon's request for "administrative notice" of Resolutions T-16599, T-16480, and T-16376 pursuant to Rule 72 is denied.
2. The assigned Commissioner's ruling issued on December 27, 2001, authorizes, but does not compel, Verizon to seek the recovery of its audit-related costs in this proceeding.

² Assigned Commissioner's ruling, p. 6, Fn. 4. The ruling authorizes, but does not compel, Verizon to seek recovery of its audit-related costs in this proceeding.

3. Verizon is authorized by Resolutions T-16599, T-16480, and T-16376 to seek recovery of its audit-related costs in its annual price-cap filing.

Dated March 8, 2002, at San Francisco, California.

/s/ TIMOTHY KENNEY

Timothy Kenney
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Denying the Request by Verizon California Incorporated (Verizon) for Administrative Notice of Three Commission Resolutions Pursuant to Rule 72 on all parties of record in this proceeding or their attorneys of record.

Dated March 8, 2002, at San Francisco, California.

/s/ TERESITA C. GALLARDO
Teresita C. Gallardo

N O T I C E

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